UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK IN RE: Acetaminophen – ASD-ADHD Products Liability Litigation Cody Trealoff v. Johnson & Johnson Consumer Inc. This Document Relates To:

SHORT FORM COMPLAINT

I. FILING OF SHORT FORM COMPLAINT

Case No.:

Case Name: Trealoff v. Johnson & Johnson Consumer Inc.

Plaintiff(s) hereby file their Complaint by way of (select one):

X	This (Complaint	is filed p	oursuant to	Order: I	Direct Fi	iling (DI	E 238). I	Plaintiff(s)
hereby	desi	gnate(s)	the	United	State	es :	District	Cour	rt for
the	Western	District of V	Visconsin			as	Plaintiff	(s)' hom	ne venue
("Home	Venue'	'), as this	case may	have origin	nally been	i filed th	ere becau	ıse:	
		Minor w	-	sed and/or				-	n Plaintiff- (city),
	X		minor was	s born in <u>H</u> (state).	Hudson				(city),
			•	f other eve		· ·	·		m occurred
									dent of the t district is
				was filed Order / Con		and	l was tra		

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by the Judicial Panel on Multidistrict Litigation.

II. PLAINTIFF(S) INFORMATION

Plaintiff(s) are the following individuals (check all boxes which apply and fill out all
information for selected Plaintiff(s)):
Plaintiff-Mother (name):
State of Residence:
■ State of Citizenship:
■ Filing Capacity:
As Guardian, on behalf of Plaintiff Child
Individually
Plaintiff Child #1 (full name, or initials if Plaintiff Child is currently a minor):
Cody Trealoff
■ State of Residence: AZ
■ State of Citizenship: AZ
• Year of Birth (yyyy): 1991
■ Injury:
Autism Spectrum Disorder
X Attention-Deficit/Hyperactivity Disorder
Plaintiff Child #2 (full name, or initials if Plaintiff Child is currently a minor):
State of Residence:
■ State of Citizenship:

Year of Birth (yyyy):
■ Injury:
Autism Spectrum Disorder
Attention-Deficit/Hyperactivity Disorder
Other Plaintiff(s):
■ Capacity to assert claim(s) (e.g., other parent, guardian, conservator, administrator,
executor):
State of Residence:
■ State of Citizenship:
In the rare instance that Plaintiff(s) include additional Plaintiff(s) who are immediate family members or who solely assert derivative claims, but are not otherwise listed above due to space constraints, please check here and list the additional Plaintiff's name, capacity to assert claims, state of residence, state of citizenship, and pertinent factual and legal claims on a separate sheet of paper.
See attached
In the rare instance that Plaintiff(s) seek(s) to include additional Plaintiff-Children, please check here and list the additional name (or initials, if the Plaintiff Child is currently a minor), state of residence, state of citizenship, year of birth, and injury on a separate sheet of paper.
See attached
III. INCORPORATION OF MASTER COMPLAINT(S)
Plaintiff(s) incorporate by reference the allegations contained in the below indicated First
Amended Master Long Form Complaint(s) and Jury Demand(s) filed in In Re: Acetaminophen -
ASD-ADHD Products Liability Litigation, MDL No. 3043, on July 25, 2023:
The First Amended Master Long Form Complaint and Jury Demand Against
Johnson & Johnson Consumer Inc. (DE 774).

IV.

below:

Note: Plaintiffs incorporating this First Amended Master Complaint must complete Section IV.A in addition to the above sections.	
The First Amended Master Long Form Complaint and Jury Demand	
Against the Retailer Defendants (DE 773).	
• <i>Note:</i> Plaintiffs incorporating this First Amended Master Complaint must complete Section IV.B in addition to the above sections.	
DEFENDANT(S)	
A. <u>Manufacturer Defendant</u>	
1. Plaintiff(s) allege claims against the Manufacturer Defendant select	ed
Johnson & Johnson Consumer Inc.	
Plaintiff Child #1:	
Johnson & Johnson Consumer Inc. Product(s) Mother took while pregnar with Plaintiff Child #1:	ıt
Tylenol Regular® Date range Mother took Tylenol Regular® while pregnar with Plaintiff Child #1 (mm/yyyy to mm/yyyy):	ıt
May 1990 to Feb 1991	
Tylenol Extra Strength® ■ Date range Mother took <u>Tylenol Extra Strength®</u> whii pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):	e
to	
Tylenol Extra Strength Rapid Release Gels® Date range Mother took Tylenol Extra Strength Rapid Release® while pregnant with Plaintiff Child #1 (mm/yyy to mm/yyyy):	
to	

Other:	
-	Date range Mother took Other Product while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
Plaintiff Child #2 (if 1	more than one Plaintiff Child):
 Johnson & Johnson with Plaintiff 	hnson Consumer Inc. Product(s) Mother took while pregnant Child #2:
Tyleno	ol Regular [®]
	Date range Mother took <u>Tylenol Regular®</u> while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
Tyleno	ol Extra Strength® Date range Mother took <u>Tylenol Extra Strength®</u> while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
Tylence •	Date range Mother took <u>Tylenol Extra Strength Rapid</u> Release® while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
Other:	
	to
	nereby adopt(s) and incorporate(s) by reference the First aint and Jury Demand Against Johnson & Johnson Consumer
	, , , , , , , , , , , , , , , , , , , ,

Inc. as if fully set forth herein.

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3. The following claims and allegations asserted in the *First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc.* are herein adopted by Plaintiff-Mother in her own right (*i.e.* not covered by claims asserted on behalf of Plaintiff Child(ren)), Plaintiff Child(ren), and/or Plaintiff-Other (check all applicable boxes below)):

Plaintiff- Mother (Individually)	Plaintiff Child #1	Plaintiff Child #2 (if more than one Plaintiff Child)	Plaintiff-Other (Individually)	Claim/Allegation
	X			Count I: Strict Liability for Failure to Warn
	X			Count II: Strict Liability for Design Defect Due to Inadequate Warnings and Precautions
	X			Count III: Negligence
	X			Count IV: Negligent Misrepresentation By Omission (Limited to: Alabama, Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, Washington DC, West Virginia, and Wisconsin)
	X			Count V: Breach of Implied Warranty

4. In checking the box(es) above for which misrepresentation is an element, Plaintiff(s) adopt(s) and incorporate(s) the allegations made in the *First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc.* Any additional Plaintiff(s)-specific allegations as to the alleged misrepresentation by omission must be set forth here:

	L:24-cv-08354-DLC Document 1 Filed 11/01/24 Page 7 of 24 5. The following claims and allegations asserted are not included in the
First Amendea	l Master Long Form Complaint and Jury Demand Against Johnson &
	umer Inc. and are herein added to Plaintiffs' Short Form Complaint.
	additional claims and the factual and legal basis for them below or on a separate
sheet if more s	pace is needed.
B.	Retailer Defendant(s):
	1. Plaintiff(s) allege claims against the Retailer Defendants selected below.
By checking a	box against a Retailer Defendant, Plaintiff(s) allege their claims arise out of the
acetaminophen	store brands identified in the First Amended Master Long Form Complaint
and Jury Dem	and Against Retailer Defendants or otherwise specify additional products below:

Plaintiff Child #1 (mm/yyyy to mm/yyyy):

Location(s) where purchased (City, State):

Plaintiff Child #2 (if more than one Plaintiff Child):

Date range Mother took Store Brand Product(s) while pregnant with

to _____

Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*:

Date range Mother took Store Brand Product(s) while pregnant with

____ to ____

7-Eleven, Inc.

Plaintiff Child #1:

Plaintiff Child #2 (mm/yyyy to mm/yyyy):

Location(s) where purchased (City, State):

• Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form*

	Complaint and Jury Demand Against Retailer Defendants:
Big Lots, Inc.	
Plaintiff C	hild #1:
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
■ Plaintiff Cl	hild #2 (if more than one Plaintiff Child):
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the <i>First Amended Master Long Form</i>
	Complaint and Jury Demand Against Retailer Defendants:

Costco Wholesale Corporation	
■ Plaintiff Child #1:	
 Date range Mother took Store Brand Produ Plaintiff Child #1 (mm/yyyy to mm/yyyy): 	act(s) while pregnant with
to	
■ Location(s) where purchased (City, State):	
 Store Brand Product(s) Mother took while present if not identified in the First Amended Complaint and Jury Demand Against Retainst 	d Master Long Form
 Plaintiff Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Produced Plaintiff Child #2 (pm/ygggg); 	uct(s) while pregnant with
` , , , , , , , , , , , , , , , , , , ,	
Location(s) where purchased (City, State):	
 Store Brand Product(s) Mother took while prepared in the First Amended Complaint and Jury Demand Against Retainst 	d Master Long Form
C -	Plaintiff Child #1: Date range Mother took Store Brand Production Plaintiff Child #1 (mm/yyyy to mm/yyyy): to to Location(s) where purchased (City, State): Store Brand Product(s) Mother took while preduction and Jury Demand Against Retained to the Plaintiff Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Production Plaintiff Child #2 (mm/yyyy to mm/yyyy): to Location(s) where purchased (City, State): Store Brand Product(s) Mother took while preduction where purchased (City, State):

CVS	Pharma	acy, Inc.
■ P1	aintiff C	hild #1:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
■ P1	aintiff C	hild #2 (if more than one Plaintiff Child):
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

D	olgencorp,	LLC
•	Plaintiff C	Child #1:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
•	Plaintiff C	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		to
		Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

D	ollar Tree	Stores, Inc.
	Plaintiff C	Child #1:
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
•	Plaintiff C	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with
	_	Plaintiff Child #2 (mm/yyyy to mm/yyyy):
		to
	•	Location(s) where purchased (City, State):
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 Two if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

Family Dollar	r Stores, LLC					
Plaintiff C	hild #1:					
•	 Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): 					
	to					
•	Location(s) where purchased (City, State):					
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:					
Plaintiff C	hild #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):					
•	Location(s) where purchased (City, State):					
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:					

T	he Kroger (Co.				
Plaintiff Child #1:						
	 Date range Mother took Store Brand Product(s) while pregnant v Plaintiff Child #1 (mm/yyyy to mm/yyyy): 					
to						
	•	Location(s) where purchased (City, State):				
	-	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:				
•	Plaintiff C	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with				
	-	Plaintiff Child #2 (mm/yyyy to mm/yyyy): to				
	•	Location(s) where purchased (City, State):				
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:				

R	ite Aid Cor	poration				
	Plaintiff C	Plaintiff Child #1:				
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):				
		to				
	•	Location(s) where purchased (City, State):				
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the <i>First Amended Master Long Form</i>				
•	Plaintiff C	Child #2 (if more than one Plaintiff Child):				
		Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):				
		to				
	•	Location(s) where purchased (City, State):				
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:				

] §	Safeway, Inc.						
	Plaintiff C	hild #1:					
	•	Date range Mother took Store Brand Product(s) while pregnant wit Plaintiff Child #1 (mm/yyyy to mm/yyyy):					
		to					
	-	Location(s) where purchased (City, State):					
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:					
-	Plaintiff C	hild #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):					
		to					
	•	Location(s) where purchased (City, State):					
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:					

Sa	ım's West l	Inc.				
•	Child #1:					
	 Date range Mother took Store Brand Product(s) while pregnant wi Plaintiff Child #1 (mm/yyyy to mm/yyyy): 					
to						
	•	Location(s) where purchased (City, State):				
	-	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:				
	Plaintiff C	Child #2 (if more than one Plaintiff Child):				
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):				
		to				
	•	Location(s) where purchased (City, State):				
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:				

17	arget Corp					
•	Plaintiff Child #1:					
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):				
		to				
	•	Location(s) where purchased (City, State):				
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:				
•	Plaintiff C	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):				
		to				
		Location(s) where purchased (City, State):				
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:				

W	algreen Co).			
Plaintiff Child #1:					
	•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):			
		to			
	•	Location(s) where purchased (City, State):			
		Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:			
•	Plaintiff C	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):			
		to			
	•	Location(s) where purchased (City, State):			
	•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:			

] Walmart Inc	•
Plaintiff C	Child #1:
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Chike #1 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff C	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants:

2. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *First*Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants as if fully set forth herein.

3. The following claims and allegations asserted in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants* are herein adopted by Plaintiff-Mother in her own right (i.e. not covered by claims asserted on behalf of Plaintiff Child(ren)), Plaintiff Child(ren), and/or Plaintiff-Other (check all applicable boxes below):

Plaintiff- Mother (Individually)	Plaintiff Child #1	Plaintiff Child #2 (if more than one Plaintiff Child)	Plaintiff-Other (Individually)	Claim/Allegation
				Count I: Strict Liability for Failure to Warn
				Count II: Strict Liability for Design Defect Due to Inadequate Warnings and Precautions
				Count III: Negligence
				Count IV: Negligent Misrepresentation By Omission (Limited to: Alabama, Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, Washington DC, West Virginia, and Wisconsin)
				Count V: Breach of Implied Warranty

4. In checking the boxes above for which misrepresentation is an element, Plaintiff(s) adopt(s) and incorporate(s) the allegations made in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*. Any additional Plaintiff(s)-specific allegations as to the alleged misrepresentation must be set forth here:

5. The following claims and allegations asserted are not included in the First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants and are herein added to Plaintiffs' Short Form Complaint (Please state additional claims and the factual and legal basis for them below or on a separate sheet if more space is needed):

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the First Amended Master Long Form Complaint(s) and Jury Demand(s) filed in *In Re:* Acetaminophen – ASD-ADHD Products Liability Litigation, MDL No. 3043 (S.D.N.Y.), on July 25, 2023.

Dated: November	1,	2024	Respectfully submitted,			
			/S/ Jeffrey S. Grand			
	Attorney Name: Jeffrey S. Grand					
	Attorney Firm: Seeger Weiss LLP.					
	Attorney Address Line 1: 55 Challenger Road					
	Attorney Ad	dress Line 2:				
	Ridgefield Park, NJ 07660					
	Telephone:	9736399100				
	Fax: 973-679-8656					
	Attorney Email: jgrand@seegerweiss.com					
	Counsel for Plaintiff(s): Cody Trealoff					